

ARTICLE 76

REGULATIONS FOR THE DEMOLITION, ALTERATION OR RELOCATION OF HISTORICALLY SIGNIFICANT BUILDINGS OR STRUCTURES

Section 1 Intent and Purpose

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution and the specific powers granted by the Massachusetts General Laws, this bylaw is adopted for the purpose of protecting and preserving significant buildings and structures which constitute or reflect distinctive features pertaining to the history of the Town of Natick and for the purpose of promoting the public welfare through the retention of the architectural, historical, cultural and aesthetic heritage of the Town. The intent of this bylaw is to encourage owners, and others, to preserve, rehabilitate and restore significant buildings or structures rather than demolishing them.

Section 2 Definitions

For the purpose of this bylaw, the following words and phrases shall have the following meanings:

- A. Applicant: The party that seeks permission to alter a regulated structure.
- B. Building: A structure designed for the shelter or housing of persons, animals, chattels, business uses or property of any kind.
- C. Commission: The Natick Historical Commission.
- D. Demolition: Any act of pulling down, destroying, or razing a structure, or any part or attached portion thereof.
- E. Permit: The document issued by the Inspector of Buildings as required by the State Building Code for the demolition or relocation or a regulated building or structure.
- F. Historically Significant Building or Structure: Any regulated building or structure which is (1) associated with one or more historic persons or events or with the architectural, cultural, economic, political or social history of the Town of Natick, the Commonwealth of Massachusetts, and/or the United States of America; or (2) is historically or architecturally important by reason of type, period, style and method of building construction, or represents the work of a particular architect or builder, either by itself or in the context of a group of buildings or structures.
- G. Inspector: The Natick Inspector of Buildings.

- H. Preferably Preserved Historically Significant Building or Structure: Any regulated building or structure which, at a Public Hearing, is determined by the Commission to be worthy of preservation.
- I. Relocation or Removal: To transfer a structure from its existing location.
- J. Structure: Any combination of materials assembled or constructed in or on the ground.

Section 3 Regulated Buildings and Structures

The provisions of this bylaw shall apply only to the following buildings and structures:

- A. Any building or structure listed on, or which is subject of a pending application for inclusion on, the National Register of Historic Places or the Massachusetts State Register of Historic Places; or
- B. Any building or structure included in the Inventory of the Historic and Prehistoric assets of the Commonwealth. Further nominations to said inventory shall occur only after notice to the assessed owner of the building or structure and a public hearing on said proposed nomination.
- C. The Commission shall, after the adoption of this bylaw, prepare and file with the Inspector and the Town Clerk of Natick a list of regulated buildings and structures which list as amended, from time to time, may be relied upon by the Inspector in determining which structures are regulated.
- D. The provisions of this bylaw shall not apply to any building or structure located in a local historical district subject to regulation under the provisions of General Laws Chapter 40C.

Section 4 Prohibition

No permit for the demolition or relocation of any building or structure regulated under this section shall be issued other than in conformity with the provisions of this bylaw.

Section 5 Procedures

- A. Upon receipt of an application for a permit to demolish or relocate a building or structure that is regulated by this bylaw the Inspector shall forward a copy of same to the Commission and the Planning Director of the Town. The Inspector is encouraged to submit said copy as quickly as possible by hand delivery or electronic transmission to the chairperson or contact person established by the Commission.

B. Within ten (10) business days from receipt by the Commission of a copy of such application the Commission shall make a preliminary determination of whether or not the building or structure is a regulated building or structure and if the Commission determines that the building or structure is regulated by this by-law, the Commission shall also preliminarily determine within the same ten (10) business days whether or not the building or structure may be a Historically Significant Building or Structure.

C. If the Commission determines that the building or structure is not regulated by this by-law, or is not Historically Significant, the permit application shall be signed as approved by the Commission and returned to the Inspector. Upon receipt of same, the Inspector may, subject to the requirements of the building code and other applicable laws, issue such permit.

D. If the Inspector does not receive the opinion of the Commission in regard to these preliminary determinations within ten (10) business days of the date of the receipt of the application by the Commission, then, the Inspector may grant the permit applied for.

E. If the Commission preliminarily determines that the building or structure may be a Historically Significant Building or Structure as defined in Section II F hereof, the Commission shall review the application for such permit at a public hearing to be held within twenty (20) business days of determination that the subject building or structure may be a Historically Significant Building or structure. The Commission shall cause to be published in a newspaper of local circulation notice of the date and place of such public hearing. Such notice shall specify the address of the subject building or structure, and shall be published in said newspaper once during the two weeks preceding the date of such public hearing. All estimated expenses of publication, posting and mailing shall be reimbursed to the Commission by the applicant at the time of the hearing.

F. No less than five (5) business days before the public hearing the applicant for such permit shall submit to the Commission the following in triplicate:

1. A plan showing the location of the building or structure;
2. Photographs of all street facade elevations;
3. A thorough and detailed description of any intended construction with copies of site plans, building plans and elevation drawings;
4. The reasons for the proposed demolition or relocation and data supporting said reason;
5. A brief description of the proposed reuse of the premises.

G. Notice of a hearing or determination provided for in this bylaw shall be sent by the Commission to the assessed owner of record, the applicant for the demolition permit (if different from owner of record), the Inspector and to such other persons and organizations in such manner as the Commission may determine appropriate. The Commission may require that the applicant post and maintain on the building which is the subject of an application governed by this bylaw a notice, in a form designated by the Commission, visible from the nearest public way, of any public hearing on the subject matter or such application; and applicant shall comply with such requirement.

H. After said public hearing the Commission shall, within ten (10) business days, determine whether or not the subject building or structure is a Preferably Preserved Building or Structure and notify in writing, the applicant and the Inspector of its determination stating the reasons for such decision.

I. If the determination is that the subject building or structure is Preferably Preserved, the Inspector shall not issue a permit for a period of six (6) months from the date of such determination, unless the Commission informs the Inspector in writing prior to the expiration of the six (6) month period that:

1. The Commission is satisfied that the applicant has made a bonafide, reasonable, and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, move, rehabilitate or restore the building or structure; or
2. The applicant has agreed to accept such permit subject to conditions approved by the commission.

Section 6 Emergency Demolition

Nothing in this bylaw shall be deemed inconsistent with the procedures for the demolition and/or securing of buildings and structures established by General Laws Chapter 143, Sections 6-10.

Section 7 Non-compliance with Bylaw

A. The Inspector is authorized to institute any actions, in law or in equity, as he deems necessary to obtain compliance with the requirement of this bylaw in order to prevent a threatened or continuing violation thereof.

B. The Inspector shall not issue any permits pertaining to any lot or parcel upon which such non-compliances occurred for a period of two (2) years from the date of such violation and notice of such moratorium shall be recorded by the Inspector at the Registry of Deeds on a form to be supplied by the Commission.

Section 8 Right of Appeal

Any person aggrieved by a determination of the Commission may, within twenty (20) days after filing of the notice of such determination with the Inspector, appeal to the Superior Court for Middlesex County. The Court shall hear all pertinent evidence and may annul the determination of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.

Section 9 Severability

In case any section, paragraph or part of this bylaw is declared invalid or unconstitutional by a court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect.